

Department of Consumer & Business Services
Oregon Insurance Division – 5
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STANDARDS FOR BOILER & MACHINERY OR MECHANICAL BREAKDOWN FORMS, RATES, AND RULES FILING

This checklist (product standards) has been provided as an aid to assist you in preparing your filing. It does not need to be included with a paper submission, nor does it need to be attached in SERFF under the Supporting Documentation tab. However, the reviewer may request the completed checklist (product standards) at any time during their review. ORS 731.296, OAR 836-010-0011 (2) & (3). This checklist includes relevant statutes, rules, bulletins, and other documented positions to enforce ORS 731.016. **The standards are summaries. Review of the entire statute or rule will be necessary.** After diligent consideration has been given to each item, mark either the “Yes” or the “N/A” box. Compliance with these provisions must be certified by both the filer and an officer of the company signing the Certificate of Compliance form. These signatures certify the forms being submitted meet the requirements of our checklist and statutes. “Not applicable” can be used only if the item does not apply to the coverage being filed. If the reviewer requests the checklist (product standard), any line left blank may result in the delay or disapproval of the filing.

This checklist is NOT APPLICABLE to the following:

- For TOIs not listed, see our Web site for instruction at: www.insurance.oregon.gov/docs/serff/filing_requirements.html.
- Adopting bureau forms, see requirements under *Rating Organization Form Adoption* on our Web site.
- For filing rating organization loss cost modification factors, see requirements under *Rating Organization Loss Cost* on our Web site.
- Filing of simple endorsements, title or declaration pages, or advertisements does not require a checklist of standards, see the Web site.
- If filing a mold endorsement, see guidelines under New Developments on our Web site.

TOI code: 33.0 Other lines of business 27.0 Boiler & Machinery or Equipment Breakdown

Sub-TOI: 33.0003 Mechanical Breakdown Insurance 27.0000 Boiler & Machinery or Equipment Breakdown

Type of filing: Individually issued policy Master policy issued to auto dealer, lender, lessor

Review requirement	Reference	Description of review standards requirements	Answer Yes or No
GENERAL REQUIREMENTS FOR ALL FILINGS			
Requirements	OAR 836-010-0011 As required on SERFF or our Web site	<p>Required filing requirements are located on SERFF or on our Web site at: www.insurance.oregon.gov/docs/serff/filing_requirements.html.</p> <p>If filing via SERFF, the proper information must be attached to the correct schedule items in order for your forms filing to be considered complete. The clean copy of the submitted form must be attached under the Form Schedule tab. Each form filed for approval must be attached to a separate Schedule Item under this tab. The form number should appear exactly as shown on the PDF Any edition/revision date used in the form number must be included under the Form Number column. It is not necessary to use the Edition Date column. The Form type column and the Action column must be completed. The Action Specific Data column must be completed correctly by providing the Oregon Filing Number of the previous filing, and the correct form number with the edition date of the form being replaced. If the same policy form will be used for multiple product offerings, it need only be filed once. Provide an explanation of the different programs under the General Filing Description in SERFF, or in a cover letter. Forms of a generic nature that will be used on different lines of insurance may be filed using “interline” coding. Use the General Filing Description or a cover letter to note all of the lines or programs it will apply to. For example, a FRAUD WARNING STATEMENT filed as a simple endorsement that could be attached to all personal lines or all commercial lines policies, need only be sent once; thereby avoiding duplicates of the same form being assigned to more than one analyst. Rates and rules should be submitted under the Rate and Rule tab. The Actuarial Memorandum should be submitted under the Supporting Documentation tab.</p> <p>Other filing requirements as listed below, or other documentation used to assist us in our review, should be submitted under the Supporting Documentation tab under the correct heading.</p> <p>If submitting a paper filing, please see #9 below.</p> <ol style="list-style-type: none"> 1. Transmittal form. (Required when submitting a paper filing only.) 2. Filing Description under the General Information tab or a Cover letter or Filing Memorandum under the Supporting Documentation tab that explains the intent or purpose of the forms/rules/rates. 	<p>Yes N/A</p> <p><input type="checkbox"/> <input type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/></p>

Review requirement	Reference	Description of review standards requirements	Answer Yes or No	
Requirements	OAR 836-010-0011 As required on SERFF or our Web site	3. Third-party filer's letter of authorization if applicable. 4. Signed Certificate of Compliance, form 440-3894. 5. For form submissions, a comparison document (annotated, highlighted, red-lined, or side-by-side) must be provided for each previously approved form. Submit document/s under the Supporting Documentation tab. 6. Rates, rules, and actuarial memorandum with an overview of the contents of the filing and the reasons and procedures used to support the rate change. 7. Attach forms being filed for approval to the Form Schedule tab. 8. Attach to the Supporting Documentation tab, those previously approved Oregon Amendatory Endorsements that bring the submitted forms into compliance with Oregon statutes. 9. When submitting a paper filing, send two complete sets of the entire filing. Include a self-addressed, stamped envelope that is large enough to return the second copy of the filing. NOTE: This checklist does not need to be submitted with the filings. However, it may be requested by the reviewer. Please use this document as a tool to help you comply with our requirements.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Policy documentation	ORS 742.003(1)	Check all that are submitted in this filing for review: 1. New policy or program. 2. Endorsements 3. Notice of claim requirements issued with liability policies. 4. Debtor's certificate, if using a master policy. 5. Certificate of insurance, if using a master policy. 6. Application form 7. Rates and Rules	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
Requirements	ORS 742.003 ORS 737.205	No policy has been issued or will be issued upon the forms in this filing until approved. Rates may be used only after receipt by the Division	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>

FORM REQUIREMENTS			
Review requirement	Reference	Description of review standards requirements	Answer Yes or No
Legibility of forms	ORS 742.005(2)	The forms are clear and understandable in the presentation of premiums, labels, descriptions of content, title, headings, backing, and other indication (including restrictions) in the provisions. The information is clear and understandable to the consumer and is not unintelligible, uncertain, ambiguous, abstruse, or likely to mislead.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Application	ORS 742.013	Claims cannot be denied based upon information provided by the insured, or on behalf of an insured, unless the signed application is made part of the policy. If the application is attached to, or made part of the policy, prior approval is required.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Fraud	Bulletin 2010-3	If the policy has fraud, concealment, misrepresentation language, then the application is required to include a fraud warning. If one is included, it is general in nature and does not state that the applicant is “guilty” of fraud, but that he or she “may be” guilty of fraud. Fraud or misstatement warnings that mention criminal or civil penalties must avoid definite statements of the criminal nature of an act, guilt, or possible penalties. A warning that specifies that knowingly providing false information “may be” a crime, which “may be” grounds for criminal or civil penalties is appropriate.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.013 ORS 742.208 Bulletin 2010-3	Fraud or misstatement warnings that mention denial of recovery as a possible consequence of an omission, concealment, misstatement or misrepresentation must disclose that in order to deny a claim on this basis, the insurer must demonstrate that the misinformation was material to the content of the contract, that the insurer relied upon this information, and that the misinformation was either provided fraudulently or was material to the risk or hazard assumed by the insurer. (ORS 742.013) Fraud or misstatement warnings that mention cancellation, voiding, or rescission of a policy as possible consequences of an omission, concealment, misstatement or misrepresentation must disclose the line-specific statutory limits to these remedies. Insurers should review Bulletin 2010-3 and the Insurance Code to determine whether their statements comply. See line-specific fraud verbiage for property in ORS 742.208.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>

Review requirement	Reference	Description of review standards requirements	Answer Yes or No
Misrepresentation /Misstatements	ORS 742.013 ORS 742.208	A provision in the policy, or the application, makes it clear that statements made by the insured, are representations and not warranties.	Yes N/A <input type="checkbox"/> <input type="checkbox"/>
Rebates	ORS 746.035 ORS 746.045	Are inducements or rebates specified in the policy? If "yes," explain in the cover letter and identify the location in the policy and rating plan.	Yes N/A <input type="checkbox"/> <input type="checkbox"/>
Policy documentation	OAR 836-062-0005	For individually owned motor vehicle physical damage only policies, a notice of the limited nature of the coverage is filed under one of the following standards: 1. Exact wording and font stated in OAR 836-062-0005 displayed on the face of the policy or evidence of coverage. 2. Attached with a sticker or stamp that contains the required warning. 3. Submitting an alternative notice provision that substantially complies for approval.	Yes N/A <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Policy period	ORS 742.048 ORS 742.023(1)(d)	<u>Effective date and time</u> – Policy states that coverage commences at 12:01 a.m. on the policy effective date.	Yes N/A <input type="checkbox"/> <input type="checkbox"/>
Access to courts	ORS 742.061	<u>Attorney fees</u> – If a claim settlement is not made within six months and action is brought to court, should the plaintiff's recovery exceed the amount of payment made by the defendant, the court will set attorney fees to be paid as part of the costs of legal action and any appeal.	Yes N/A <input type="checkbox"/> <input type="checkbox"/>
Appraisal	ORS 742.232	All policies that include the peril of fire contain a provision that if the insured and the insurance company do not agree on the actual cash value or the amount of loss, then, upon mutual agreement, each will select an appraiser and notify the other of the appraiser selected within 20 days of such disagreement. The appraisers shall follow the procedures in ORS 742.232. Each appraiser shall be paid by the party selecting the appraiser and the expenses of appraisal and umpire shall be paid by the parties equally. (See Oregon Supreme Court case law on Molodyh vs Truck Insurance Exchange 304 Or. 290, 744 P.2d 992 (1987)).	Yes N/A <input type="checkbox"/> <input type="checkbox"/>
Arbitration	ORS 36.600 - ORS 36.740	If the policy provides for arbitration if claim settlement cannot be reached, the parties may elect arbitration by mutual agreement at the time of the dispute after the claimant has exhausted all internal appeals and can be binding by consent of the insured person. (<i>If the policy provides for arbitration when claim settlement cannot be reached, and the policy owner elects arbitration, arbitration takes place under the laws of Oregon held in the insured's county or any other county in this state agreed upon.</i>)	Yes N/A <input type="checkbox"/> <input type="checkbox"/>

Review requirement	Reference	Description of review standards requirements	Answer Yes or No
Bankruptcy	ORS 742.031	The policy includes a bankruptcy provision similar to that in ORS 742.031.	Yes N/A <input type="checkbox"/> <input type="checkbox"/>
Cancellation & nonrenewal	ORS 742.023(1)	The policy clearly defines the cancellation refund method.	Yes N/A <input type="checkbox"/> <input type="checkbox"/>
	ORS 742.224(1)	If the policy includes the peril of fire, it contains a provision that the policy may be canceled at any time at the request of the insured. It also states that when the policy has been surrendered, the premium they have paid over and above the customary short rates will be refunded back to them. Refunds must be made within a reasonable time.	Yes N/A <input type="checkbox"/> <input type="checkbox"/>
	ORS 742.224(2)	If the policy includes the peril of fire , then the policy requires 10 days written notice prior to cancellation for premium nonpayment and 30 days written notice for any other cancellation reason, ORS 742.224 (2).	Yes N/A <input type="checkbox"/> <input type="checkbox"/>
	ORS 742.702 ORS 742.706	If the policy includes commercial liability , then the policy requires 10 working days after policyholder receipt of written notice for cancellation due to premium nonpayment or other statutorily permitted cancellation reason and 45 days after receipt of written notice for nonrenewal, ORS 742.702 and 742.706. Any conflicts between the different cancellation requirements within a policy require the insurer to use the longest notification requirement.	
	ORS 742.224(3)	In a policy that includes the peril of fire, the notice of cancellation states that the excess of paid premium above the pro-rata premium for the expired time, if not tendered with the notice, will be refunded on demand.	Yes N/A <input type="checkbox"/> <input type="checkbox"/>
Discrimination	ORS 106.300 thru ORS 106.340 Bulletin 2008-2 OAR 836-081-0010	A provision that recognizes a Domestic Partnership is included in the policy. Terms and provisions in the Insurance Code and in rules adopted under the Code that refer to or indicate the marital relationship, its dissolution and dependents in a marital relationship will apply in the same manner to domestic partnerships, to their dissolution and to dependents in the partnership	Yes N/A <input type="checkbox"/> <input type="checkbox"/>
Fees and service charges,	ORS 742.023 ORS 746.015 OAR 836-071-0269	All charges to the policy holder are included in filed rating plans and are listed on the declarations page. No unfiled charges may be added to the declarations page.	Yes N/A <input type="checkbox"/> <input type="checkbox"/>

Review requirement	Reference	Description of review standards requirements	Answer Yes or No	
Limits	ORS 742.023	Limits on coverage are clearly described.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
Loss settlement	ORS 742.023(1)(a)	The policy shall specific the names of the parties to the contract. For mechanical breakdown insurance Division policy requires that the policy holder is the borrower or lessee who receives benefits.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
	ORS 742.023 ORS 742.234	Settlement provisions are clearly explained.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
	ORS 742.228	The policy contains a provision that the company shall not be liable for a greater proportion of any loss than the amount insured shall bear to the whole insurance covering that peril, whether collectible or not.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
	ORS 742.230	All policies that include the peril of fire contain a provision that the insured shall give immediate written notice of any loss to protect the property from further damage, shall promptly separate damaged and undamaged personal property, put it in the best possible order, and furnish a complete inventory of the destroyed, damaged and undamaged property, showing in detail quantities, costs, actual cash value, and amount of loss claimed.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
	ORS 742.053	Insurers must furnish a proof of loss form when requested in writing by a person claiming to have a loss under the policy. An insured must have at least 90 days from the date the form is furnished to complete the form and submit it.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
	ORS 742.238	All policies that include the peril of fire contain a provision that the amount of loss is payable 60 days after proof of loss is received by the company and ascertainment of the loss is made either by agreement in writing or by the filing with the company of an award provided.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
	ORS 742.236	All policies that include the peril of fire contain a provision that there can be no abandonment to the company of any property.	Yes <input type="checkbox"/>	NA <input type="checkbox"/>
Loss valuation	Oregon case law	<u>Diminution of value</u> – If the policy does not provide coverage for loss of market value or “diminution of value,” the term describing the limitation is specifically defined in the policy. (Rossier vs. Union Automobile Ins. Co. 134 Or. 211, 291 P.2d 498 (1930); and Dunmire Motor Company vs. Oregon Mutual Fire Ins. Co. 166 Or. 690, 114 P.2d 1005 (1941))	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
Premium payment, refund, or retention	ORS 742.005(2) ORS 742.023 ORS 742.224	The policy clearly defines the cancellation refund method. Upon cancellation for any reason, the policyholder may be entitled to a refund. Refunds should be paid promptly and must be paid upon demand.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>

Review requirement	Reference	Description of review standards requirements	Answer Yes or No
Primary coverage	ORS 742.023	The policy states the value of the benefit, defines the terms of coverage, and describes the conditions and provisions pertaining to the coverage.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Requirements	ORS 742.240	Any policy that includes the peril of fire, informs the insured they must have complied with all the requirements of the policy in order to bring suit against the company. The policy must also contain a provision that law suits must be brought within 24 months after loss.”	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Titles & headings	ORS 742.005(2)	Each form filed identifies the insurer and is clearly titled. Headings for benefits include references to any limitations and restrictions in the provision.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>

RATE, RULE, RATING PLAN, CLASSIFICATION, AND TERRITORY FILING REQUIREMENTS

Review requirement	Reference	Description of review standards requirements	Answer Yes or No or page/paragraph
Requirements	ORS 737.205	Copies of rates, rating plans, and rating systems are included in the filing.	Yes <input type="checkbox"/> No <input type="checkbox"/>
Fictitious group	ORS 737.600 OAR 836-042-0030 to OAR 836-042-0322	If filing a group for rate purposes, the group meets the requirements of ORS 737.600(3)(d), and mass-marketing plan rules.	Yes <input type="checkbox"/> No <input type="checkbox"/>
Schedule rating	ORS 737.205	Schedule rating plan identifies the credit or debit modification criteria and the maximum and minimum plan modification. Rating plans must be filed prior to use.	Yes <input type="checkbox"/> No <input type="checkbox"/>
Rebates	ORS 746.035 ORS 746.045	Inducements or rebates are specified in the policy. If answer is other than “N/A,” details must be included in the rates and rules filing.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Discrimination	ORS 746.015 OAR 836-081-0010	Rates, rating plans, and rating systems do not discriminate unfairly in the availability of insurance and the application of rates.	Yes <input type="checkbox"/> No <input type="checkbox"/>
Fees and , service charges,	ORS 737.310 OAR 836-010-0021	Cost-accounting justification on initial filings and subsequent changes.	
Investment income	ORS 737.310 and OAR 836-010-0021	1. Cash flow method; <i>Or</i> 2. Alternative method showing amount of investment income earned on loss, LAE and unearned premium reserve to earned premium.	
Loss ratio standards	Position (ORS 737.310(1))	Expected loss ratio is at least 50 percent.	Yes <input type="checkbox"/> No <input type="checkbox"/>

Review requirement	Reference	Description of review standards requirements	Answer Yes or No or page/paragraph
Loss valuation	ORS 737.310 and OAR 836-010-0021	Premium data.	
		Loss and LAE data.	
		Expected loss ratio.	
Ratemaking generally	Position (ORS 737.310)	If filing commission levels higher than 20 percent, details are provided of which company-administration functions have been transferred to the agent to cause an increase in commissions. The commission should not exceed 35 percent.	Yes No <input type="checkbox"/> <input type="checkbox"/>
	Position – OAR 836-030-0050 ORS 731.808	Rates are filed as they are actually charged to the consumer, to include all expenses and fees. Field add-ons to the rates are not permitted.	Yes No <input type="checkbox"/> <input type="checkbox"/>
	Position	Only the lender pays premium costs for repossession, skip/confiscation/conversion, liens, and title misfiling.	Yes No <input type="checkbox"/> <input type="checkbox"/>
Rebates	ORS 746.035 ORS 746.045	Are inducements or rebates specified in policy? If “yes,” explain in the cover letter and identify the location in the policy and rating system.	Yes No <input type="checkbox"/> <input type="checkbox"/>
Schedule rating	ORS 737.205	Schedule rating plans identify the credit or debit modification criteria and the maximum and minimum plan modifications. Rating plans must be filed prior to use.	
Underwriting profit & contingencies	ORS 737.310 and OAR 836-010-0021	1. Oregon data for commission and brokerage.	
		2. Countrywide data for general and other acquisition expenses as reported in the <i>Insurance Expense Exhibit</i> .	
		3. Oregon data for taxes, licenses, and fees.	